

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
CIVIL DIVISION

WANITA ROACH

*

Plaintiff

*

Civil Action No.

v.

*

JFM 02 CV 3171

CATHERINE CASTELLANI

*

Defendant

*

MOTION TO ENFORCE ARBITRATION AGREEMENT

Defendant, Catherine Castellani, by her attorney Jacquelyn M. Kramer, hereby moves to enforce the parties' Arbitration Agreement and as ground therefore states as follows:

1. This matter arises out of a motor vehicle accident that occurred on 9/28/2000. Plaintiff alleges injuries to her neck, left shoulder, back and knees and has provided discovery responses indicating medical bills in the amount of \$10,611.28. Plaintiff's treating physician discharged her from care on 1/31/2001 indicating "Cervical strain and shoulder strain, resolving." See Dr. Launder's report attached as Exhibit 1.
2. After much communication and negotiation, counsel for both parties agreed to enter into a Binding Arbitration Agreement. See letter memorializing the Arbitration Agreement dated 9/29/2003 attached as Exhibit 2.
3. A Facsimile of the letter memorializing the Arbitration Agreement was received by Plaintiff's counsel on 9/30/2003 at 8:22 a.m. See confirmation of Facsimile attached as Exhibit 3.
4. On October 7, 2003, a week later, Plaintiff's counsel called Defense counsel stating that he was not sure he could go through with the binding arbitration due to a lack of a permanency rating from Plaintiff's doctor. Defense counsel informed Plaintiff's counsel that she would object to the Plaintiff's failure to comply with the Arbitration Agreement and to any attempt by Plaintiff to introduce additional medical evidence at this late date.

WHEREFORE, Defendant Catherine Castellani respectfully requests that this honorable Court issue an order enforcing the Arbitration Agreement between the parties and for any other and further relief deemed appropriate.

Jacquelyn M. Kramer
Federal Bar No.: 11147
200 International Circle, Suite 1500
Hunt Valley, MD 21030
(410)568-6781
Attorney for Defendant, Catherine Castellani

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2003, a copy of the foregoing Motion was mailed first-class, postage prepaid, to Isaac Joe, Jr., Esq., The Rotunda, Suite 300, 711 W. 40th Street, Baltimore, MD 21211, Attorney for Plaintiff.

Jacquelyn M. Kramer, Esquire
Federal Bar No.: 11147

FOR THE DISTRICT OF MARYLAND
CIVIL DIVISION

WANITA ROACH

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Plaintiff

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CATHERINE CASTELLANI

*

Defendant

*

ORDER

Upon consideration of Defendant Catherine Castellani's Motion to Enforce Arbitration Agreement and any response filed thereto, it is this _____ day of _____, 2003 hereby ORDERED:

1. That the parties' Arbitration Agreement is binding on Plaintiff Wanita Roach.

Judge
District Court of the United States for
the District of Maryland

Copies to:
Jacquelyn M. Kramer, Esq.
200international Circle, Suite 1500
Hunt Valley, Maryland 21030

Isaac Joe, Jr., Esq.
The Rotunda, Suite 300
711 W. 40th Street
Baltimore, MD 21211

EXHIBIT 1

Maryland Orthopedics, P.A.

Raymond D. Drapkin, M.D. William J. Launder, M.D. Kevin E. McGovern, M.D. Michael A. Francheitti, M.D. Mark A. Cohen, M.D.

0 3570 St. Johns Lane .Ell~tt City, MD 21042 0 545 Main Street. Laurel, MD 20707 0 10085 Red Rurl Blvd. Suite 303 .Otot'ings Mills, MD 21117 (410) 461-9500. Fax: (410) 461-8945 (301) 776-2000. Fax: (301) 776-2806 (410) 363-0m. Fax: (410) 356-2615

Wanita R. Roach

#135469

PATIENT'S NAME

UK'THUPEUIL: EV XLUATION

01/31/01

The patient feels much better in terms of her orthopedic problems. Her neck and shoulder still ache on occasion but much less seldom than before. Her headaches are less frequent. She is due to follow up with Dr. Alkaitis today for her headaches as well.

PHYSICAL EXAMINATION

Neck: She has a full range of motion in her neck and no tenderness.

Upper Extremity Neurological: Motor, sensation and reflexes are intact. There is good motion in the shoulders, elbows, wrists and hands without instability. No atrophy, edema, dislocations, ulcerations, lymphadenopathy, or deformities are noted. The extremities are wann. There is good coordination and appropriate affect. The gait is plantigrade. The patient is awake, alert and oriented.

IMPRESSION

Cervical strain and shoulder strain, resolving.

~

The patient is discharged from orthopedic care on full duty work status.

William J. Launder, MD:cbs/rh

cc: Isaac Joe, Esq,

NEURODIAGNOSTIC CENTER

Damanhuri Daniel Alkaitis, M.D., Ph.D.

0 3570 St. Johns Lane' Ellicott City, Maryland 21042 0 545 Main Street. Laurel, Maryland 20707 (410) 461-9500 FAX (410) 461-8945
(301) 776-2000 FAX (301) 776-2806

PATIENT'S NAIIIW:lnit:1 R Rn~~h itl1~A.hQ

01/31/01

The patient is given a wrist splint.

Damanhuri Daniel Alkaitis, M.D./rh

cc: Isaac Joe, Esq.

MO-4B (REV. 12/96)

JOHNSON, JONES & McGOUGH

200 INTERNATIONAL CIRCLE. SUITE 1500 .HUNT VALLEY, MARYLAND 21030 (410) 568-6781 .FAX (410) 568-6782

Renee L. Johnson David R. Jones Timothy P. McGough David P. Bokow David P. Bokow

A Staff Law Office of The Hartford Not a Partnership or Professional Association

William L. Helfand Jacquelyn M. Kramer William H. Klumpp, Jr. Mary G. Weidner

September 29, 2003

Isaac Joe, Jr., Esquire
The Rotunda, Suite 300 711 W. 40th Street Baltimore, **MD** 21211-2109

Re: Roach v. Castellani Case No.: PJM-O2-3171


Dear Mr. Joe:

This letter confirms your client's agreement to remove this case from the U.S. District Court docket and enter into binding arbitration. Your client has agreed to cap the damages award at a low of \$5,000.00 and a high of \$50,000.00.

The arbitrators this office has used in the past are retired Judge Edward Angeletti, retired Judge Hilary Caplan and retired Judge Paul Alpert. Let me know which of these arbitrators your client prefers.

cc:

Very truly yours,


/ Jacquelyn

M. Kramer

Melissa Posey, Tampa Claims

EXHIBIT 3

** TX STATUS REPORT **

AS OF

SEP 30 2003 08:23

PAGE. 01

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DATE TIME

09/3008:22

200 INTERNATIONAL CIRCLE. SUITE 1500 .HUNT VALLEY, MARYLAND 21030 (410) 568-6781 .FAX (410) 568-6782

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H. Klumpp. Jr. DavidP. BoUw Mary G. Widner DavidP. Bokow

TO/FROM MODE 4104672225 EC--S

JOHNSON, JONES & McGOUGH

JOHNSON JONES MCGOUGH
MIN/SEC C STATUS
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September 29, 2003

Isaac Joe, Jr., Esquire
The Rotunda, Suite 300 711 W. 40th Street Baltimore, MD 21211-2109

Re: Roach v. Castellani Case No.: PJM-O2-3171

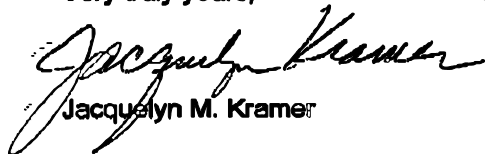
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cc:

Very truly yours,



Jacquelyn M. Kramer

Melissa Posey, Tampa Claims